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February 10, 2025

VIA ECF

Hon. Katherine Polk Failla, U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square, Room 2103
New York, NY 10007

MEMO ENDORSED

Re: *Robert Barbera v. All Season Protection Inc.*,
Case No. 1:24-cv-05482-KPF

Dear Judge Failla:

We represent plaintiff Robert Barbera ("*Plaintiff*") in the above captioned action. Pursuant to Paragraphs 2(B) and 2(C) of Your Honor's Individual Rules of Practice in Civil Cases, Plaintiff respectfully requests a thirty (30) day adjournment of the February 12, 2025, Default Judgment Hearing or a date thereafter that is convenient for the Court.

In support of this Motion, Plaintiff includes the following:

- (1) The Court has ordered defendant All Season Protection Inc. ("*Defendant*") to show cause at a hearing scheduled before Your Honor for February 12, 2025, at 11:00 a.m. as to why default judgment should not be entered against Defendant (*Dkt. No. 23*);
- (2) This is Plaintiff's second request for an adjournment and/or extension of time and the Court's granted Plaintiff's first request for an adjournment (*Dkt. No. 11*) via the Court's October 4, 2024, Order (*Dkt. No. 12*);
- (3) Good cause exists for the instant request as the parties are engaged in discussions as to resolution of this matter and the requested adjournment will allow for additional time for the parties to explore the possibility of settlement without further burden to the Court;
- (4) As Defendant has yet to formally appear with respect to this matter, there is no party with which Plaintiff can inquire as to their consent to this request.

The instant request is made in good faith and granting the requested adjournment will not prejudice any party to this matter. Thank you for your consideration of this request.



Respectfully submitted,

/s/ Joshua D. Vera
Joshua D. Vera
Counsel for Plaintiff

Application GRANTED. The hearing scheduled for February 12, 2025, is ADJOURNED to **March 12, 2025, at 2:15 p.m.**

The Clerk of Court is directed to terminate the pending motion at docket entry 25.

Dated: February 10, 2025
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE